

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
November 17, 2008**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on November 17, 2008, at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

OATH OF OFFICE

City Attorney Filla administered the oath of office to Councilmember Withhart who is serving a special term of two years to complete former Councilmember Morrisette's term. The other re-elected Councilmembers will be sworn in at the first meeting in January.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

Mayor Martin requested a brief discussion of the request from Arden Hills regarding I-35W access during the *Special Order of Business* portion of the meeting.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the November 17, 2008 agenda as revised.

ROLL CALL: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

Mr. Louis Lange stated that he owns property on Lexington Avenue. He continues to object to the rezoning of his property, as he has paid taxes for light industrial zoning for 40 years. The

property is zoned light industrial by Ramsey County. He has had calls recently from potential buyers who will be contacting City Hall about the property. It is his hope that they will receive good reports.

Mr. Schwerm responded that the City did not rezone the property. The land use designation was changed in the City's Comprehensive Plan to recognize development potential on the site.

COUNCIL COMMENTS

Mayor Martin:

Community Center annual memberships are on sale at a 10% discount during the months of November and December. An added bonus to the purchase of a membership will mean a 30% discount on fitness classes at the Fitness Center.

The holiday lighting ceremony will be December 1, 2008 in the Community Center parking lot. Music will be provided by students at Chippewa and Turtle Lake Schools.

This is the last official meeting for Steven Harding, Reporter from the *Shoreview Press*. He has done a wonderful job of keeping people informed about what is going on in the community.

Councilmember Wickstrom:

The Shoreview Green Communities will not meet Wednesday, December 3, 2008.

The Anoka County Board of Commissioners is considering a resolution on the expansion of the east/west runway at Anoka Airport. Anyone who has concerns can attend a meeting on November 18, 2008, at 11:00 a.m. This would only affect residents in the extreme northern part of Shoreview.

Councilmember Huffman:

Thank you to everyone who voted. Congratulations to Mayor Martin and Councilmembers Wickstrom and Withhart.

Condolences to Bill Bowerman family on his recent death. He was a former Planning Commissioner and a long-time friend of Shoreview.

The Open House about the Highway 49 improvements is posted on the website. There is a meeting at City Hall, November 20, 2008; and at Little Canada City Hall on November 18th. Mayor Martin added that the meeting is from 6:00 to 8:00 p.m. It is an informational meeting to see the plans and talk to the engineers.

Councilmember Withhart:

Many residents who live in the area have received notices about the Highway 49 meeting, but anyone is welcome to attend.

CONSENT AGENDA

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to adopt the consent agenda of November 17, 2008 approving the necessary motions and resolutions.

1. November 4, 2008 City Council Minutes
2. November 5, 2008 City Council Canvass Minutes
3. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
4. Verified Claims in the Amount of \$726,249.57
5. Purchases
6. Approval of the Basic and Dependent Life Insurance Changes
7. Receive Feasibility Report - Kerry Lakes Storm Ponding, CP 07-03
8. Approval of the Agreement with Brauer & Associates - Sitzer Park Improvements

ROLL CALL: Ayes - 5 Nays - 0

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS**TEXT AMENDMENT: CHICKENS IN RESIDENTIAL AREAS****Presentation by City Planner Kathleen Nordine**

Ms. Nordine summarized a draft ordinance regarding allowing chickens in residential areas. Current code defines chickens as a non-domestic animal. Non-domestic animals are permitted in RE and R1 districts on properties with two or more acres. The proposed ordinance would permit a maximum of four hen chickens on parcels of less than two acres. Shelters would be permitted and would have to comply with requirements for accessory structures. They would not be permitted in a front or side yard abutting a street. A minimum 30-foot setback is required from

adjoining property. Chickens must be kept on the property with fencing. Slaughtering and cock fighting are prohibited. Roosters are prohibited on properties consisting of less than two acres. Currently, they are permitted on parcels greater than two acres. A license would be required and renewable every two years. A Conditional Use Permit may be required if it is determined by the City Council that it is in the public's best interest on parcels of two acres or more in size. A health concern that has been raised is histoplasmosis, a respiratory disease caused by a fungus found in the soil contaminated by bird or bat droppings. Staff has found that there are no concerns with this issue in other cities where chickens are permitted. Another health concern is avian flu spread through the feces of infected birds. Avian flu is currently not present in the United States. Inspections would include sanitation. Diseases are generally more prevalent with a high concentration of poultry, such as poultry farms.

Staff received many comments, both in support and in opposition. Those who support chickens believe they make good pets, similar to a dog or cat. They also promote sustainable living by laying eggs. They have less impact on neighborhoods than other pets and are compatible with residential uses. Those opposed say that a non-domestic farm animal is not compatible with suburban residential neighborhoods. There is concern about noise, odor and diseases.

The Planning Commission held a public hearing on the proposed ordinance and recommended approval on a 5 to 1 vote. The consensus was that chickens could be compatible in a residential neighborhood through established standards and a licensing process. The one dissenting Commissioner expressed concern about allowing any non-domestic animals in residential areas. The proposed ordinance establishes the standards and a licensing process to address the issues raised about keeping chickens. Staff is recommending approval.

Councilmember Huffman asked if a precedent would be set to allow other non-domestic animals, if chickens are allowed.

Councilmember Withhart responded that it would not be appropriate to say the City would consider or not consider a request that would come in the future. This request was treated with a deliberative process and public hearings. Any requests in the future should be treated in a similar manner with an open mind.

Councilmember Huffman agreed but stated that he does not want this to be a trend of expansion in allowing non-domestic animals. If Avian Flu should come to the United States, policies will have to be changed. That possibility needs to be discussed, and he would like to see Shoreview have a response ready to prevent panic.

Mayor Martin stated that is amazing to her that cities all over the country have reversed ordinances to allow ordinances regarding chickens--Seattle, Spokane, Madison and other cities around Shoreview. No problems have occurred. Her only concern is adequate fencing to prevent them from wandering into other yards and streets.

Planning Commissioner Mons stated that the Planning Commission voted on an amendment to restrict the number to no more than three. That amendment did not pass. The Commission felt that the regulations for accessory structure adequately addresses chicken coops.

Commissioner Withhart asked how local jurisdictions would work if there was an Avian Flu outbreak. Ms. Nordine stated that the Center for Animal Disease Control has issued required recommendations to states on how to address that issue.

Mayor Martin opened the discussion to public comment.

Mr. Tom Lemke, 577 Schutta Road, stated that he appreciates the Council looking at changes in the culture and technology and trying to be at the forefront. There is a website that lists all cities in the U.S. that recently passed chicken ordinances. There are numerous documents from the Mayo Clinic, Center for Disease Control, University of Wisconsin which all say there is no presence of Avian flu in the country. If there were a breakout, it would be known where the chickens are located. Histoplasmosis is from working in a yard as a landscaper. Construction workers are exposed to it. It is treatable according to Mayo. There are more noise problems with turkeys than chickens in their neighborhood. Keeping chickens is going green--bugs are controlled in the yard and less fertilizer is needed on grass. Garbage waste can be fed to chickens. He commended the Council for being on the cutting edge and listening to citizens.

Councilmember Wickstrom stated that she is supportive of allowing chickens but believes the limit should be three. The City allows three cats or three dogs. Why wouldn't the number of chickens be three? She is concerned about enforcement.

Mayor Martin disagreed stating that chickens are much different. They lay eggs better if they are in a flock. The minimum number for a flock is four. Chickens are much different and cannot be equated to dogs and cats. Residents have a right to own a pet that does not cause anyone any more problems than a dog, which is why she supports the ordinance.

Councilmember Huffman stated that he is not concerned about the number. His biggest concern is enforcement.

Councilmember Withhart agreed with four. If it becomes a problem, the ordinance can be amended.

Councilmember Quigley stated that the ordinance is well structured and addresses his concern of property rights.

Ms. Nordine stated that she looked at the ordinances of suburban communities and Minneapolis and St. Paul. Generally, the number allowed is four.

Councilmember Huffman requested that Section D, paragraphs (2) and (4) read that, the fee shall be established by the City Council by ordinance rather than by resolution.

MOTION: With the above changes, Councilmember Huffman moved, seconded by Councilmember Withhart to adopt Ordinance No. 837 revising Chapter 200 of the Municipal Code, Section 202 - Definitions and Section 205.82 - Residential Districts; and Chapter 600, Animal Licensing and Control, establishing licensing standards for the keeping of chickens in residential areas. The ordinance permits the keeping of chickens in residential areas provided a license is received and the standards are met.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin
Nays: None

SPECIAL ORDER OF BUSINESS

Mr. Schwerm reported that the city of Arden Hills is interested in working on future development of the TCAAP property and has an agreement with the Government Services Administration to acquire property. A critical component is to reconfigure the County Road H interchange with I-35W, and Arden Hills is seeking Shoreview's support. An ongoing concern for the City of Shoreview has been the potential closing of the County Road I interchange, which the City adamantly opposes. Many residents in northern Shoreview count on that access to the freeway. While the City is not opposed to the redesign of the County Road H interchange, there is concern about any impact that may have for County Road I interchange, as the City has put significant investment in Rice Creek Parkway and the Rice Creek Development. Before knowing the future of County Road I, it is difficult to fully support the County Road H improvements.

It was the consensus of the Council to not stand in the way of Arden Hills but hold off any formal endorsement with staff continuing to stress concern about the future of the County Road I interchange.

ADJOURNMENT

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to adjourn the meeting at 8:07 p.m.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 1ST DAY OF DECEMBER 2008.

Terry C. Schwerm, City Manager